

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte MURALI ARAVAMUDAN, ANDREAS C. PAPANICOLAOU,  
and KUMAR K. VISHWANATHAN

---

Appeal No. 2002-0097  
Application No. 09/141,088

---

ON BRIEF

---

Before HAIRSTON, KRASS and FLEMING, Administrative Patent Judges.  
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-5, 7-9 and 11.

The invention is directed to collaborative browsing among users at two or more different personal computers. Copies of selected URLs are shared among collaborating computers, each of which uses the URL to retrieve the corresponding document. A

Appeal No. 2002-0097  
Application No. 09141,088

computer is configured to select hyperlinks for itself and one or more other computers. Each URL corresponding to a selected hyperlink is communicated via the Internet to a server. The server broadcasts the URL to the collaborating computers, each of which retrieves the corresponding document in conventional fashion.

Representative independent claim 1 is reproduced as follows:

1. A method of facilitating collaborative browsing of documents containing hypertext by at least two client computers each having access to the Internet, the documents accessible from at least one server computer accessible from the Internet, the method comprising the steps of:

obtaining a URL corresponding to a document which is accessible from a first server, the document to be viewed at at least a first and second client computer, the URL having been selected through use of browser software running on the first client computer;

generating a message addressed to the at least first and second client computers, the message including the URL of the document to be viewed at the at least first and second computers; and

transmitting the message to the at least first and second client computers, the URL included in the message to be used by each of the at least first and second client computers to retrieve and display the document to be viewed.

The examiner relies on the following references:

Scherpbier	5,944,791	Aug. 31, 1999
		(filed Oct. 4, 1996)

Appeal No. 2002-0097  
Application No. 09141,088

Anupam et al. (Anupam) 5,991,796 Nov. 23, 1999  
(eff. filing date Jul. 16, 1996).

Claims 1-5, 7-9 and 11 stand rejected under 35 U.S.C. § 103 as unpatentable over Scherpbier in view of Anupam.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

#### OPINION

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teachings, suggestions or implications in the prior art as a whole or knowledge generally available to one having ordinary skill in the

Appeal No. 2002-0097  
Application No. 09141,088

art. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

These showings by the examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). If that burden is met, the burden then shifts to the applicant to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See Id.; In re Hedges, 783 F.2d 1038, 1040, 228 USPQ 685, 687 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1051, 189 USPQ 143, 146-147 (CCPA 1976). Only those arguments actually made by appellants have been considered in this decision. Arguments which appellants could have made but chose not to make in the brief have not been considered and are deemed to be waived [see 37 CFR 1.192 (a)].

In accordance with appellants' grouping of the claims, at

Appeal No. 2002-0097  
Application No. 09141,088

page 2 of the principal brief, all claims will stand or fall together.

It is the examiner's position that Scherpbier discloses the claimed subject matter but for the generation of a message to the at least first and second client computers, the message including the URL of the document to be viewed at the at least first and second computers and the transmission of the message to the at least first and second client computers, the URL included in the message to be used by each of the at least first and second client computer to retrieve and display the document to be viewed.

The examiner turns to Anupam for a teaching of a collaborative web browsing system wherein the server transmits the URL of a web page to all participants to be used by the participants to retrieve the web page, citing column 1, line 19 - column 2, line 7 of Anupam.

The examiner concludes therefrom that it would have been obvious to incorporate the method of sending the second computer the URL, as taught by Anupam, into the collaboration system of Scherpbier "in order to provide flexibility of a collaboration system by allowing each participant to 'pull' web pages from

servers thereby avoiding a bottleneck at the server computer"  
(answer-pages 4-5).

We will not sustain the rejection of claim 1, or of claims 2-5, 7-9 and 11, under 35 U.S.C. § 103 because we agree with appellants that the examiner's rejection is faulty on at least two counts.

First, the alleged combination is suspect in that since Scherpbier uses a control site to modify a page before it is sent to a second computer and Anupam provides participants, other than the "leader," in a collaborative session with a URL so that all participants can view a particular page, it appears unlikely that the skilled artisan would have sought to modify Scherpbier's limited viewing system with Anupam's universal distribution of the URL so that all may view without modification of the corresponding document.

Second, even if such a combination were to be made by the artisan, it does not appear that the claimed subject matter would result. The collaborator in Scherpbier is not viewing a website corresponding to a URL, but rather a modified version of the corresponding document. Anupam, on the other hand, provides an actual copy of the URL to each participant. Thus, in Scherpbier,

Appeal No. 2002-0097  
Application No. 09141,088

an actual URL is not provided to each participant, as required by the instant claims. Since Anupam supplies an actual copy of the URL to all participants except the manager that initiated the session, i.e., what appellants call the "leader," Anupam also does not supply the URL to *all* of the participants, as required by the claim.

One might argue that the claims require an URL to be supplied to a first and second client computer and so any two of the computers in Anupam can be these claimed "first" and "second" client computers. But, since the instant claims require that the URL be selected through browser software running on the "first client computer," it is clear that since the "leader," or the client computer selecting the URL, in Anupam does not, itself, receive a copy of the message including the URL, i.e., there is no "generating a message addressed to the at least first and second client computers, the message including the URL of the document to be viewed at the at least first and second computers," Anupam cannot supply to Scherpbier this teaching or the teaching of an URL selected through the use of browser software running on the first client computer, as claimed. If the "first" client computer in Anupam is causing the generation of the message, then the message is not addressed to the first

Appeal No. 2002-0097  
Application No. 09141,088

computer and, therefore, Anupam cannot teach such a message addressed to "the at least first and second client computers," as claimed.

Accordingly, since there appears to be no reason for the artisan to have combined the applied references and, even if so combined, the instant claimed subject matter does not appear to be obtained, we will not sustain the rejection of claims 1-5, 7-9 and 11 under 35 U.S.C. § 103.

The examiner's decision is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	
ERROL A. KRASS	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
	)	
MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	

EK/RWK



Appeal No. 2002-0097  
Application No. 09141,088

SAMUEL H. DWORETSKY  
AT&T CORP.  
P.O. BOX 4110  
MIDDLETOWN, NJ 07748-4801